

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	Case No. 8:13CR105
)	
Plaintiff,)	MOTION TO DISMISS
)	
-vs-)	
)	
)	
TIMOTHY DEFOGGI,)	
)	
Defendant.)	

COMES NOW Defendant and respectfully requests this Honorable Court dismiss the indictment in the above captioned case because defendant has been denied a speedy trial in violation of the 6th Amendment to the United States Constitution and 18 U.S. Code § 3161. Defendant recognizes that this case has been designated complex and that pre-trial motions are pending. However, Mr. DeFoggi has been detained pursuant to these charges for over one year and asserts the delay is unreasonable and in violation of his right to a speedy trial.

Specifically, Mr. Defoggi alleges that it took the Government 6 ½ months to produce a computer forensics report which unnecessarily delayed the trial.

Furthermore, the Government recently initiating an inquiry with a foreign government to secure the testimony of a foreign witness for trial has created another unreasonable delay. May 21, 2014

WHEREFORE, Mr. Defoggi respectfully requests this honorable court set this motion for hearing so that he may personally be heard on this matter. Furthermore Mr. Defoggi requests that the court dismiss the above captioned case on speedy trial grounds.

Respectfully submitted,
Timothy Defoggi, Defendant

/s/ John S. Berry
John S. Berry, #22627
BERRY LAW FIRM
2650 North 48th Street
Lincoln, NE 68508
john@jsberrylaw.com
(402) 466-8444

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Michael Norris, Assistant U.S. Attorney and Keith A. Becker, U.S. Department of Justice, by electronically serving a copy of the same to both via CM/ECF, on this the 21st day of May, 2014.

/s/ John S. Berry
John S. Berry, #22627